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**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN , 21 DEIREADH FÓMHAR 2013**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 21<sup>ST</sup> OCTOBER, 2013**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

<b>R. Beasley</b>	<b>J. Brassil</b>	<b>T. Buckley</b>
<b>M. Cahill</b>	<b>P. Connor-Scarteen</b>	<b>S. Counihan</b>
<b>B. Cronin</b>	<b>J. J. Culloty</b>	<b>P.J. Donovan</b>
<b>T. Ferris</b>	<b>J. Finucane</b>	<b>S. Fitzgerald</b>
<b>N. Foley</b>	<b>M. Gleeson</b>	<b>D. Healy-Rae</b>
<b>J. Healy-Rae</b>	<b>P. Leahy</b>	<b>P. McCarthy</b>
<b>A. McEllistrim</b>	<b>T. O'Brien</b>	<b>B. O'Connell</b>
<b>P. O'Donoghue</b>	<b>M. O'Shea</b>	<b>L. Purtill</b>
<b>J. Sheahan</b>	<b>G. Wharton Slattery</b>	

**IN ATTENDANCE/I LÁTHAIR**

<b>Mr. T. Curran County Manager</b>	<b>Mr. J.D. Flynn, Dir. of Corp. Serv.</b>
<b>Mr. J. Breen Dir. Hsg. &amp; C&amp;E</b>	<b>Mr. G. MacNamara, A/Dir. of Roads</b>
<b>Mr. O. Ring, Dir. Env. &amp; Water Serv.</b>	<b>Mr. M McMahon DOS Planning</b>
<b>Ms. A. McAllen A/Head of Finance</b>	<b>Mr. P. Corkery, Press &amp; Comm. Off.</b>
<b>Ms. B. Reidy, SSO Corp. Affairs</b>	<b>Ms. O. O'Shea, CO Corp. Affairs</b>
<b>Ms. M. Galvin CO Corp. Affairs.</b>	<b>Ms. S Broderick SO Corp Affairs</b>

The meeting commenced at 10.40am.

**Congratulations**

Cllr. M. Gleeson congratulated Dr. Crokes Football Club from Killarney on achieving four in a row by winning the County Final on Sunday 20<sup>th</sup> October. This was a magnificent achievement for the team and he wished them well for the future. Dr. Crokes previously won the All Ireland Senior Club Football Championship in 1992.

Cllr. P. Connor Scarteen congratulated Templenoe on winning the Novice Club Football Final 2013.

Cllr. B. O'Connell congratulated Currow on winning the Intermediate Club Championship Final 2013.

### **Vote of Sympathy**

Cllr. D. Healy Rae PROPOSED a vote of sympathy to the family of the late John Blennerhassett. He said John gave great service to the county as a member of Kerry County Council and Tralee Town Council and as a member of Seanad Eireann from 1973 to 1982.

All the members wished to be associated with Cllr. Healy Rae's remarks.

### **13.10.21.01 Mayor's Report on the CPG Meeting held on 15<sup>th</sup> October 2013**

The Mayor read the following report into the record of the meeting:

#### **Item 1 "Agenda for the October Council Meeting"**

Mr. G. O'Brien, Meetings Administrator, briefed members on the Agenda for the October Council Meeting.

#### **Item 2 Update on Kerry Local Authorities Amalgamation**

The Manager said he briefed the CPG previously in relation to the local approach to Local Government Reform Agenda – the establishment of the new Municipal Districts, the abolition of the Town Councils etc. There is still an absence of the precise detail of what is proposed by Government and the required legislation is not expected until late this year or early next year.

Despite this vacuum it is clear that there are significant challenges facing us and we cannot wait until the detail is absolutely clear given the timescales and the scale of change proposed.

The SMT have done quite a bit of preparatory work on the scoping of the work required at local level to give effect to the re-organisation project. A lot of preparatory work has been underway in areas such as Finance with analysis and planning in areas such as the rationalisation of bank accounts for example.

There is a lot going on – in addition to the abolition of the Town Councils we are taking the opportunity to fundamentally review the approach to service delivery and in addition we have the Irish Water Programme, Shared Services, LEOs, Government proposals for the Community & Voluntary Sector, but the **LG Reform Agenda is the highest risk in our medium to long term**. We must get this right. This programme of reform has been agreed by SMT as the Number 1 priority for the Council despite the other competing demands. However given the scale of the work he has decided to establish a formal Project Team.

## **Implementation Team**

The Manager said given the scale of the work facing us it warrants a dedicated Project Team. The structures of the Project are as follows.

- SMT responsibility Project Champions – John D. Flynn & Michael McMahon jointly
- The Project will be led out by Martin O Donoghue, SEO HR
- Project Team initially will be Niamh O Sullivan AO and Paul Neary SEE.
- Commenced on 14<sup>th</sup> Oct.
- May be supplemented by others if necessary.

The primary purpose of the Team is as an instrument to assist and facilitate the planning and implementation of this project. Both he and the SMT retain responsibility for the Project. There is significant commitment being shown by the organisation to this project.

The next step is consultation with Elected Members.

While the Town Councils are being abolished he believes the Elected Members in the existing Town Councils should be afforded an opportunity to table matters that they feel are critical from a Town perspective into the future. With this in mind he invited all Town Council Members to a workshop on 22<sup>nd</sup> October to afford them this opportunity.

There is an item on the Agenda for the Council Meeting to agree the 4<sup>th</sup> November as the date for an initial briefing session with KCC Members. That day will commence the process of consultation with County Council Members.

There is a considerable amount of work involved in the consultation with our staff and their unions. This process will proceed over the coming months.

Cllr. M. Gleeson said Town Councils would prefer to meet with the Manager individually as each town has its own unique issues. He asked, following the initial meeting with the Town Councils, that they would be met individually.

The Manager said this would be an initial meeting and he hoped to break into three groups as the meeting progresses. He would be willing to meet with the Town Councils individually after that if necessary.

### **Item 3 Update on the Motor Taxation Office**

Mr. J.D. Flynn said the end of September was the most difficult time ever in Motor Tax. The staff coped with an enormous workload. The Council is down in excess of 300 staff since 2008. In Q3 staff processed 7000 more transactions than in Q1 and the bulk of these were in the last fortnight in September especially in the last week. Additional staff were assigned to Motor Tax during this week and the 7 hatches were open with 3 additional staff checking documentation for customers in the public area. In the last 3 days of September just under 2,000 people were dealt with at the counter. The major issue was the 'off the road declarations' and also the fact that the 30<sup>th</sup> September was the end of the month and fell on a Monday.

At present staff are working on clearing the backlog of post for tax discs and they are up to 26<sup>th</sup> September. 7,600 off the road declarations were received and the 'snag' rate is 75% which is in excess of 5,500. These declarations will be returned and must be resubmitted. There is approx. 300 declarations relating to vehicles that were never registered and it will take some time to get those sorted. There are approx. 3,200 postal applications for tax discs on hand and there is a 'snag' rate of approx. 33% on these and they will have to be returned. The 24<sup>th</sup> October is the date for the hand over of driver licensing to the RSA and there is approx. 600 applications on hand and these will be processed as soon as possible. Staff were re-deployed from the Housing and Finance Departments and this has impacted on these sections as they were not replaced. The staff did as much as they could in the circumstances.

Cllr. P. McCarthy said it is important that councillors and the general public recognise the work done by staff during this very busy period. People did recognise the difficulty staff had and they were grateful to them.

### **Item 4 Financial Update**

Ms. A. McAllen, Head of Finance informed the meeting that close monitoring and effective use of resources by both Budget holders and Senior Management have ensured that expenditure for the year to date remains in line with Budget. This monitoring will continue to year end.

In relation to major revenue income streams they remain under severe pressure whilst our Rates income is in line with amounts this time last year, it is not without huge efforts on the part of both our collection staff and our rate payers. Provision of payment plans, though increasing the administrative burden to our collection staff, to our small to medium rate payers has certainly enabled collections to perform to Budget however this has impacted on our level of debtors.

Water collections are slightly behind compared to this time last year, we are aiming to recover, it is noticeable however, that presently consumption has fallen again by approx. €200,000 mostly due to reduced consumption in the farming sector.

Rent and Loan collection rates remain on target. NPPR and levies collections are ahead of this time last year. NPPR has generated €4.2m countywide year to-date. I can also confirm that 100% of the Local Government Fund is received for 2013.

Preparation for Budget 2014 is underway meetings with all divisions has taken place internally and the Finance department is working to assess the gap between income and expenditure I will bring a report on the difficulties I anticipate facing us in balancing the Budget for next year at our Pre budget meeting on 4<sup>th</sup> November next.

As we approach the end of the financial year end, Finance as part of the budgetary process, review all capital balances with the divisions, in particular all credit balances assigned to specific projects in previous years from provisions made with member's approval from surpluses made from the revenue account. We have relied heavily on these balances to balance our budgets in recent years. In line with our response to the Local Government Auditors report managers response - I now seek approval to reassign €79,572 - the balance of a provision made by the members during a past AFS consideration approval process from Water services to Amenities to act as a fund to ensure matching local funds are available to enable maximum amenity grant drawdown. I believe in the current climate this would be a prudent financial recommendation and seek member's approval accordingly.

#### **Item 5 N86 Decision by An Bord Pleanála**

Mr. G. MacNamara said An Bord Pleanála rejected the proposal for the development of the N86. This was a disappointment both to Kerry County Council and the NRA. Council officials have since met with the NRA to establish what avenues are now open to them. A Judicial Review could be sought as they felt there were some inconsistencies. This was then discussed with Senior Council who advised that it would be more prudent to seek the reasons for refusal from an Bord Pleanála through the Freedom of Information process before making a decision on whether or not to seek a Judicial Review. It has been decided to submit a request under Freedom of Information to request certain documents which would allow the Council to get a better understanding of how they came to their decision. Getting this information will also be helpful when further applications are being submitted.

The Mayor asked must an application for a Judicial Review be submitted within a certain timeframe.

Mr. MacNamara said we have 8 weeks to request a Judicial Review but when a request under Fol is made the clock stops.

**Item 6 Update on National/Regional Issues**

**Tourism Policy Public Consultation Document**

Mr. L. Quinlan said the Department of Transport and Sport published a Tourism Policy document and invited submissions from the public. The closing date for receipt of submissions is Friday 1<sup>st</sup> November, 2013.

**Item 7 Appointment of a new Chief Fire Officer**

Mr. O. Ring informed the meeting since Kevin Caffrey's retirement Mr. Vincent Hussey was Acting Chief Fire Officer. Mr. Michael Hession is the new Chief Fire Officer and he was redeployed from Waterford County Council.

**Item 8 County Development Board Update**

This item was deferred to the November meeting.

**Item 9 Update from Chairs of SPCs**

Cllr. S. Counihan briefed the meeting on the issues considered at the last meeting of the Housing and Social Support SPC held on 9<sup>th</sup> October under the following headings:

- Proposed Traveller Accommodation Programme 2014 – 2018
- Update on Social Housing Leasing Initiative & RAS
- Housing Assistance Payment
- Housing Grant Schemes
- Implementation Plan for the introduction of rent schemes under Section 31 of the Housing (Miscellaneous Provisions) Act 2009
- Protocol for the provision of Housing Supports to People with Disabilities
- Proposed Mortgage to Rent Scheme in respect of Local Authority Borrowers

Cllr. P. McCarthy said the Planning SPC met the previous day and a report would be presented at the November meeting.

Cllrs. P. Connor-Scarteen and M. Gleeson said their SPCs did not meet recently.

Mr. G. O'Brien informed the meeting that a report on the most recent meeting of the Community, Culture and Tourism SPC would be considered at the October meeting.

**Item 8 Civic/Mayoral Receptions**

Mr. G O'Brien informed the meeting a request was received from Cllr. M. Cahill that approval be sought from the CPG to host a Civic Reception for the Killorglin Club/Team that won the All Ireland Golf Tournament, the Jimmy Bruen Shield last weekend. Cllr. Cahill also pointed out that the Ballybunion Team also won the Junior Cup.

The CPG agreed that these groups would be honoured at future meetings of the South and West Kerry and Listowel Electoral Area Committees.

Cllr. P. Connor Scarteen requested that the achievement of Kenmare in being awarded the Tidiest Small Town be acknowledged by the Mayor.

It was agreed that a letter of congratulations would be sent by the Mayor.

Mr. O'Brien also informed the meeting that Castleisland is twinned with Bannalec in France and a group will visit Castleisland in conjunction with the Padraig O'Keeffe Festival. It is proposed to host a reception for them in the Castleisland Area Services Centre on Friday 25<sup>th</sup> October and all the members for the Killarney Electoral Area will be invited to attend.

The CPG agreed that this reception would be arranged.

**Item 9 Any other business**

Mr. G. O'Brien informed the meeting that the Training for members on Mental Health would be held in the Council Chamber on Monday 11<sup>th</sup> November in the afternoon."

Cllr. D. Healy Rae referred to Item 2 in the Mayor's Report and said he regretted the proposed abolition of Town Councils and predicted that it would be detrimental for towns such as Tralee, Killarney and Listowel. The public should be informed whether or not the current services will continue to be provided at the Town Hall in Killarney.

Cllr. D. Healy Rae then referred to the long queues at the Motor Tax Office in advance of the deadline of 30<sup>th</sup> September for declaring vehicles off the road retrospectively and said this should not have been allowed to happen. It was very unfair on staff and the people who visited the Motor Tax Office during the last days of September. He expressed disappointment that the Minister for the Environment, Community & Local Government refused requests from Oireachtas Members and the County Manager to extend this deadline.

Cllr. D. Healy Rae said that it was unfortunate and ridiculous that Kerry County Council would have to seek the reasons for refusal of the N86 development from an Bord Pleanála through the Freedom of Information process before making a decision on whether or not to seek a Judicial Review.

Mayor S. Fitzgerald referred to Item 7 on the Agenda and said that a briefing on the amalgamation of Kerry Local Authorities would be held on Monday 4<sup>th</sup> November 2013.

Cllr. J. Brassil asked that the Electoral Area Committees would also be briefed on this matter at the next round of Area Meetings as each Town Council would have its own specific issues.

Cllr. M. Cahill welcomed the allocation of €140,000 from the National Roads Authority (NRA) for works on the stretch of road known locally as Heffernan's bends on the N70 Milltown/Castlemaine road. He asked when the work was likely to commence and if traffic lights would be in place for the duration of the project.

Mayor S. Fitzgerald said that this matter was not included in the Mayor's Report.

Cllr. M. Cahill referred to his request for a Civic Reception for the Killorglin Club/Team who won the Jimmy Bruen Shield All Ireland Golf Tournament and the decision of the CPG to have this reception held in conjunction with an Electoral Area Meeting. He said that this was a major achievement for the team and as golf has never been acknowledged by Kerry County Council, he felt this achievement should be honoured with a full Civic Reception. His request also mentioned the achievement of the Ballybunion golf team on winning the All Ireland Junior Title and he indicated that this was a matter for the Listowel Electoral Area members.

Cllr. T. Ferris asked for clarification on the requirement under Standing Orders on a recommendation to Council made by the Corporate Policy Group (CPG).

Mr. Flynn outlined what the Protocol states on Civic/Mayoral Receptions in relation to the approval and the requirements of the CPG as follows:

*"If approved by the Members of the Corporate Policy Group, their recommendation to the Council to afford a Civic/Mayoral Reception will be included in the Mayor's Report on the Corporate Policy Group Meeting to the next Council Meeting for formal approval of the Members"*

Cllr. M. Cahill PROPOSED that the recommendation of the CPG that the Killorglin and Ballybunion Golf Teams would be honoured at future meetings of the South and West Kerry and Listowel Electoral Area Committees be rejected.



Cllr. R. Beasley SECONDED the proposal.

Cllr. B. O'Connell PROPOSED that the recommendation of the CPG should stand.

Mayor S. Fitzgerald SECONDED this proposal.

Mr. J. D. Flynn, Director of Corporate Affairs, read the following extract from the Protocol for Civic/Mayoral Receptions adopted by Council.

*"A Civic /Mayoral Reception should not be proposed at a Council Meeting unless it has first been considered and agreed by the Corporate Policy Group of the Council".*

Cllr. T. Ferris commented that there is little enough power left to the members in this Chamber yet there appears to be no issue with giving power away.

Cllr. B. O'Connell disagreed and said that members were elected to the CPG to represent the Full Council.

Mayor S. Fitzgerald concluded the debate on this matter by ruling that the decision of the CPG stood.

Cllr. P. McCarthy welcomed the decision to seek the reasons for refusal of the development of the N86 from an Bord Pleanála through the Freedom of Information process. He referred to the proposed N21 Adare Bypass which was refused permission by An Bord Pleanála last year and said it was unacceptable that motorists who have driven on a motorway from Dublin have to continue to pass through Adare resulting in delays and tailback of up to fifteen minutes.

Cllr. S. Counihan acknowledged that preparation must be made but pointed out that the amalgamation of Local Authorities had not yet come before the Houses of the Oireachtas. He said there is no guarantee the Oireachtas will pass this legislation and the Council should not be progressing so quickly with arrangements for the amalgamation of the Town Councils with the County Council.

The Mayor informed the meeting that Cllr. J. Finucane had requested permission to move an emergency motion in relation to the payment of sub contractors who worked on the Tralee By-Pass. This motion will be taken at the start of the Notices of Motion (Item 17).

Cllr. D. Healy Rae mentioned that when Cllr. Finucane's motion on the payment of sub contractors who worked on the Tralee By-Pass is being considered both he and Cllr. J. Healy Rae would leave the meeting.

### **13.10.21.02 Confirmation of Minutes**

- (a) On the PROPOSAL of Cllr. J. Finucane SECONDED by Cllr. P. McCarthy it was resolved that the Minutes of the Special Planning Meeting of Kerry County Council held on 2nd September, 2013 be confirmed
- (b) On the PROPOSAL of Cllr. B. O'Connell SECONDED by Cllr. P. McCarthy it was resolved that the Minutes of the September Ordinary Meeting of Kerry County Council held on 9<sup>th</sup> September, 2013 be confirmed.

Cllr. T. Ferris referred to her Notice of Motion at the September meeting in relation to the Great Southern Trail and said on that occasion she asked the County Manager to contact Minister Alan Kelly's office to establish if funding has been ear marked for this project. This was not recorded in the minutes. She asked the Manager if he had contacted the Minister's office.

County Manager, Mr. T. Curran said he had not contacted the Minister's Office. An application for funding for 4 projects will be submitted by end of November and Mr. P. O'Connor E.E. was working full time on the project. Minister Kelly will be in the county in the coming days and Mr. Curran would raise this matter with him.

Cllr. T. Buckley welcomed the upcoming meeting between the County Manager, Mr. P. O'Connor and a delegation from the North Kerry line.

Cllr. J. Healy Rae asked that the installation of ducting would be provided for during the development of the walkway from Renard to Caherciveen.

Cllr. T. O'Brien welcomed the development of walking routes in the county and said that he hoped the proposed greenway from Tralee to Fenit was being kept on the priority list.

Cllr. M. Gleeson said that he had recently cycled on the Mayo greenway and had observed the benefits of the development in vitalising the villages along the route. The development of greenways had great economic potential as well as health and recreational benefits.

Cllr. B. Cronin asked that the County Manager and Mr. P. O'Connor EE would arrange to meet the residents of Tomies concerning the development of the proposed Lough Leane Loop.

Cllr. P. Connor Scarteen said that he would like additional funding to be provided for health and safety measures along walking routes.

Cllr. M. Cahill proposed that Kerry County Council would liaise with South Kerry Development Partnership (SKDP) with regard to arranging a further visit to the Mayo greenway for concerned parties.

**13.10.21.03 Reports in accordance with Section 179(3) of the Planning and Development Act 2000.**

- (a) Mr. G. MacNamara, Dir. of Roads referred members to his report dated 15<sup>th</sup> October, 2013 on this item which was circulated. He briefed them in detail on the report.

On the PROPOSAL of Cllr. J. Healy Rae, SECONDED by Cllr. J. Sheahan it was agreed to note the proposed development and the Manager's Report thereon in accordance with Section 179(3) of the Planning and Development Act, 2000, Part VIII of the Planning and Development Regulations 2001 and Articles 17 to 19 of the Planning and Development Regulations 2006 in respect of the proposed development at Releagh, Bonane, Co. Kerry which will consist of the widening and improvement of approximately 1,560m of the N71 National Secondary road from its commencement south of Releagh Bridge to its termination and tie in with a previously improved section of carriageway leading to the Caha Pass Tunnel at the Kerry/Cork bounds.

- (b) Mr. O. Ring, Dir. of Environment and Water Services referred members to his report dated 10<sup>th</sup> October, 2013 on this item which was circulated. He briefed them in detail on the report.

On the PROPOSAL of Cllr. J. Healy Rae SECONDED by Cllr. J. Sheahan it was agreed to note the proposed development and the Manager's Report thereon in accordance with Section 179(3) of the Planning and Development Act, 2000, Part VIII of the Planning and Development Regulations 2001 and Articles 17 to 19 of the Planning and Development Regulations 2006 in respect of the proposed development at Kilgarvan Co. Kerry which will consist of the installation of an additional Waste Water Treatment Unit and associated site works at existing Waste Water Treatment Plant site.

Mr. O Ring Director of Environment & Water Services said that funding was available for this work to proceed.

Cllr. P. Connor Scarteen said that this was very welcome.

#### **13.10.21.04 Capital Balance Transfer**

On the PROPOSAL of Cllr. J. Finucane SECONDED by Cllr. P.J. Donovan it was agreed to approve the reassignment of €79,572 from Water Services to Amenities to act as a fund to ensure matching local funds are available to enable maximum amenity grant drawdown.

#### **13.10.21.05 Appointment of an Ethics Officer for Kerry Local Authorities**

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P.J. Donovan it was noted that Mr. G. O'Brien A/Senior Executive Officer had been appointed by the County Manager as the new Ethics Officer for Kerry Local Authorities for the period 3<sup>rd</sup> October 2013 to 2<sup>nd</sup> October 2015.

#### **13.10.21.06 Combination of Killorglin and Dingle/Daingean Uí Chúis Electoral Area Committees**

On the PROPOSAL of Cllr. J. Healy Rae, SECONDED by Cllr. P.J. Donovan it was agreed that the Killorglin and Dingle/Daingean Uí Chúis Electoral Area Committees would be combined into one Electoral Area Committee from 1<sup>st</sup> November 2013.

#### **13.10.21. 07 Dates for the following Meetings**

- (a) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. T. O'Brien it was agreed that a Briefing on the Council's Budget 2014/Kerry Local Authorities Amalgamation would be held on Monday, 4th November, 2013 at 10:30am.
- (b) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. B. Cronin it was agreed that a Special Planning Meeting to consider the Draft County Development Plan - 2015-2021 would be held on Monday, 2nd December, 2013 at 10:30am.
- (c) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. P. Connor-Scarteen it was agreed that the Kerry County Council Budget 2014 Meeting would be held on Monday, 9th December, 2013 at 10:30am.

#### **13.10.21.08 Date and venue for December meeting**

On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. S. Fitzgerald it was agreed that the December Ordinary Meeting of Kerry County Council would be held in Dingle on Monday, 16th December, 2013 at 11:30am.

### **13.10.21.09 Dates for Area Meetings**

- (a) On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. N. Foley it was agreed that the next meeting of the Tralee Electoral Area Committee would be held on Monday, 11th November, 2013 in the Council Chamber, Áras an Chontae, commencing at 10:40am.
- (b) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. B. Cronin it was agreed that the next meeting of the Killarney Electoral Area Committee would be held on Wednesday, 13th November, 2013, in the Town Hall, Killarney, commencing at 10:00am.
- (c) On the PROPOSAL of Cllr. J. Healy Rae, SECONDED by Cllr. P.J. Donovan it was agreed that the first meeting of the South and West Kerry Area Committee would be held on Friday, 22nd November, 2013 in the Killorglin Area Services Centre, commencing at 09:30am.
- (d) On the PROPOSAL of Cllr. T. Buckley, SECONDED by Cllr. P. Leahy it was agreed that the next meeting of the Listowel Electoral Area Committee would be held on Monday, 25th November, 2013 in Áras an Phiarsaigh, Listowel, commencing at 10:00am.

### **13.10.21.10 Community, Culture and Tourism SPC**

It was agreed to note Cllr. J. Healy Rae's written report on the Community, Culture and Tourism SPC which was circulated.

### **13.10.21.11 Housing and Social Support SPC**

It was agreed to note Cllr. S. Counihan's written report on the Housing and Social Support SPC which was circulated.

### **13.10.21.12 Report on the operations and activities of the South and Eastern Regional Assembly**

It was agreed to note Cllr. B. O'Connell's written report on the operations and activities of the South and Eastern Regional Assembly which was circulated.

### **13.10.21.13 Summary of Proceedings at Conferences/Seminars**

#### **(a) The Future of Rural Ireland – Opportunities for Rural Economic Development Conference**

It was unanimously agreed to note Cllr. P. Connor Scarteen's written report on the Conference on the theme "The Future of Rural Ireland – Opportunities for Rural Economic Development" held on 10<sup>th</sup> June 2013 which was circulated.

**(b) Building Safer Communities Conference**

It was unanimously agreed to note Cllr. M. O'Shea's written report on the Conference on the theme "Building Safer Communities" held on 16<sup>th</sup> & 17<sup>th</sup> August 2013 which was circulated.

**(c) AMAI 101<sup>ST</sup> Annual Conference**

It was unanimously agreed to note Cllr. B. Cronin's written report on the AMAI 101<sup>st</sup> Annual Conference held from 11<sup>th</sup> to 14<sup>th</sup> September 2013 which was circulated.

**(d) The Defining Document on the New Local Government Structures for June 2014 Training Seminar**

It was unanimously agreed to note Cllr. T. Buckley's written report on the Training Seminar on the theme "The Defining Document on the New Local Government Structures for June 2014" held from 13<sup>th</sup> to 15<sup>th</sup> September 2013 which was circulated

**(e) Poverty in Ireland – Facts & Figures Seminar**

It was unanimously agreed to note Cllr. M. Griffin's written report on the Seminar on the theme "Poverty in Ireland – Facts & Figures" held from 13<sup>th</sup> to 15<sup>th</sup> September 2013 which was circulated

**13.10.21.14 Reception of Deputations**

- (a) Cllr. M. Gleeson requested that a deputation from the Board of Management of Kilcummin N.S in relation to an issue for pedestrians be received at the next meeting of the Killarney Electoral Area Committee

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On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. Cronin it was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.

- (b) Cllr. B. O'Connell requested that a deputation be received from the residents of Listry and Listry Community Council at the next meeting of the Killarney Electoral Area Committee in relation to Listry Bridge

Mr. J.D. Flynn, Director of Corporate Services advised that this location is not in the Killarney Electoral Area therefore the deputation could not be received at a meeting of the Killarney Electoral Area Committee.

- (c) Cllr. P. O'Donoghue requested that a deputation be received from Kerry Coastal Rowing Federation at the South and West Kerry Electoral Area Committees on 22<sup>nd</sup> November 2013, in relation to road and access issues in the context of the All Ireland Coastal Rowing Championships in Waterville in August 2014.

Mr. J.D. Flynn, Director of Corporate Services said that it was agreed by the members that no deputations would be received by the South and West Kerry Area Committee.

#### **13.10.21.15 Opening of Tenders since September Meeting**

- (a) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. J. Sheahan it was agreed to note the opening of tenders for the R577 Church Street, Castleisland - Pavement Rehabilitation: Closing date - Monday, 23rd September, 2013 at 4pm.
- (b) On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. J. Sheahan it was agreed to note the opening of tenders for Aggregator to enable Demand Side Unit Participation for Kerry Local Authority Water Services Sites: Closing date - Wednesday, 25th September, 2013 at 3pm.
- (c) On the PROPOSAL of Cllr. P. Connor Scarteen, SECONDED by Cllr. J. Sheahan it was agreed to note the opening of tenders for the Supply, Installation and Commissioning of pipe network and ancillary works on the Clanmaurice GWS at Ballynoe, Causeway, Co. Kerry: Closing date - Thursday, 10th October, 2013 at 4pm.
- (d) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. J. Healy-Rae it was agreed to note the opening of tenders for the Upgrading of Caragh Lake Water Treatment Facility: Closing date - Thursday, 10th October, 2013 at 4pm.

#### **12.10.21.16 Approval for the opening of Tenders**

- (a) On the PROPOSAL of Cllr. P. Connor Scarteen, SECONDED by Cllr. B. Cronin it was agreed to approve the opening of tenders for Glenflesk MTB (Mountain Trail Bike) Bike Trail Uplift Road Upgrading and Extension: Closing date - Friday, 11th October, 2013 at 2pm.
- (b) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. P. Leahy it was agreed to approve the opening of tenders for the Supply, Installation & Commissioning of pipe network and ancillary works on the Clanmaurice GWS at Ballylongane, Ballyheigue, Co. Kerry: Closing date - Thursday, 17th October, 2013 at 4pm.

- (c) On the PROPOSAL of Cllr. P. Leahy, SECONDED by Cllr. T. Buckley it was agreed to approve the opening of tenders for the Supply of Buildings suitable to house Water Treatment Facilities: Closing date - Friday, 18th October, 2013 at 3pm.
- (d) On the PROPOSAL of Cllr. P. Connor Scarteen, SECONDED by Cllr. A. McEllistrim it was agreed to approve the opening of tenders for Kenmare Relief Road Bituminous Surfacing: Closing date - Tuesday, 29th October, 2013 at 4pm.
- (e) On the PROPOSAL of Cllr. P. Connor Scarteen, SECONDED by Cllr. A. McEllistrim it was agreed to approve the opening of tenders for the N70 Parknasilla Overlay: Closing date Tuesday, 29th October, 2013 at 4pm.
- (f) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Mayor S. Fitzgerald it was agreed to approve the opening of tenders for the Wild Atlantic Way Signage - Kerry South: Closing date - Wednesday, 30<sup>th</sup> October, 2013 at 3pm.

Cllr. R. Beasley said that no signage for the Wild Atlantic Way was yet erected in North Kerry.

Mr. G. MacNamara A/Director of Roads & Transportation said the Wild Atlantic Way encompassed North, South & West Kerry. The erection of signage was currently underway and would be completed by March 2014. He assured Cllr. Beasley that North Kerry was not being forgotten.

Cllr. Beasley said the difficulty in attracting tourists to North Kerry must be acknowledged.

Cllr. T. Ferris agreed and said that the first signage should be erected in North Kerry due to the difficulty in attracting tourists to the area. She said that the discovery of the story of St Brendan was one of the secrets of the Wild Atlantic Way and this begins and ends in North Kerry.

Cllr. R. Beasley also referred to the introduction of a pilot scheme in Kerry to address the problem of dog fouling in public areas. Designated routes in five locations (Tralee, Dingle, Blennerville, Waterville and Castleisland) in the county were being promoted as dog walking routes. He pointed out that he highlighted the issue of dog fouling consistently for several years yet Ballybunion was not included in the pilot scheme.



### **12.10.21.18 Notices of Motion**

#### **Emergency Motion moved by Cllr. J. Finucane**

##### **Ethics Declaration**

Cllr. J. Healy Rae declared in accordance with Section 177 of the Local Government Act, 2001 that he was employed by a company that was sub contracted on the construction of Tralee By-Pass and he would leave the meeting while this item was being considered.

Cllr. J. Healy Rae then left the meeting.

Cllr. D. Healy Rae declared in accordance with Section 177 of the Local Government Act, 2001 that his company was sub contracted on the construction of the Tralee By-Pass and he would leave the meeting while this item was being considered.

Cllr. D. Healy Rae then left the meeting.

Cllr. J. Finucane said that it was brought to his attention that 25 small and medium sized companies, who were sub contracted by the main contractor on the construction of the Tralee By-Pass, were still waiting to be paid for work carried out on the project. He expressed concern that some of these sub contractors would not be able to continue in business if the money owed to them was not paid. He met with representatives of the main contractor, BAM, last week who had indicated that extra work which was carried out on the project had not been recognised by Kerry County Council. He asked that the Director of Roads & Transportation would make a statement on this matter and that a meeting would be set up with a view to resolving any outstanding issues.

Cllr. R. Beasley supported the proposal and said that he too was very concerned that small to medium sized businesses would be unable to carry on if payment was not received soon.

Mr. G. MacNamara A/Director of Roads & Transportation said when companies tender for these large contracts they are aware of the conditions of the contract. This was a €30.1 million contract and €28.5 million was paid to BAM in accordance with the contract. The contract included a retention percentage of 10% which was initially approximately €3 million. When the road was opened €1.5 million of this retention was paid to the contractor leaving a sum of €1.5m still retained. The company has the option of putting a retention bond in place to facilitate the release of the final €1.5 million. A final account on the project is still awaited from BAM. Kerry County Council is bound by the 15 day prompt payment requirement in accordance with Prompt Payment legislation. Mr. MacNamara also advised that the final account for the Castleisland By-Pass,

opened in 2010, was received from BAM but this would have to be resolved through arbitration.

Cllr. J. Finucane asked that a meeting of the parties concerned would be arranged as he was fearful that small contractors, who were awaiting payment, would go out of business.

Mr. McNamara said that it would not be prudent for Kerry County Council to meet with BAM until the final account on the project is received.

Cllr. T. Ferris said that this situation reminded her of Groundhog Day as she had noted with interest that the final account for the Castleisland By-Pass had not been finalised and was now going to arbitration yet the same contractor was subsequently awarded the contract for the Tralee B-Pass.

Mr. McNamara said when parties disagree arbitration is used as a formal mechanism to resolve the dispute.

Cllr. Ferris asked if any lessons had been learned and commented that it was the ordinary working person who is suffering in this case.

Cllr. P. Connor Scarteen welcomed Mr. MacNamara's report and thanked him for clarifying the situation. He too expressed concern that small and medium sized contractors may not be able to stay in business and hoped that this matter could be resolved before Christmas.

Cllr. P. McCarthy asked if Kerry County Council would have a say with regard to which sub contractors are to be paid if and when the final account is received.

Mr. McNamara said that Kerry County Council was dealing only with the main contractor BAM.

County Manager Mr. T. Curran said that this was a country wide issue. Legislation was due to go before the Dáil to protect the rights of sub-contractors and this was not an issue for Local Authorities to resolve. He had a lot of sympathy for the small businesses who were being used as a pawn in this situation by the main contractor. BAM made substantial profits of approximately €97 million last year and it was up to the company to pay the sub-contractors, irrespective of its final account with the Council. This was a fixed price contract and Kerry County Council would have no difficulty in paying for extra work done, but would have a difficulty in paying over the odds for what it considered to be a contract.

Cllrs. J. & D. Healy Rae then returned to the meeting.

## **1. Under-grounding of the unsightly overhead cables**

### **Pursuant to notice duly given Cllr. M. Gleeson PROPOSED:**

In view of the wonderful commitment and progress by so many Kerry towns and villages to the Tidy Towns and Villages Competition, that this Council would do all that it possibly can to encourage and achieve the under-grounding of the unsightly overhead cables that at present diminish the visual aspect of so many locations.

### **The following report issued:**

**Under grounding of overhead services and general improvement to footpaths and roads was carried out in some towns and villages using funding provided by the Department of the Environment, Heritage and Local Government under the Urban and Village Renewal Scheme. This funding was usually combined with Water Services restoration funding and valuable improvement work resulted. However, the Urban and Village Renewal Scheme has been dis-continued for some years, and therefore funding has not been available to Kerry County Council. It is unlikely that this Scheme will be re-activated in the current economic climate.**

Cllr. M. Gleeson read the following into the record of the meeting:

“There are many communities striving might and main to improve the overall appearance of their town or village. Their efforts have reaped rich rewards in the national Tidy Towns competition and have made their own place a much more desirable place in which to live and recreate. Visitors are deeply impressed by the overall cleanliness of the county.

However, the presence of the ESB cables continue to detract from the appearance of many locations and their being removed from the skyline would greatly facilitate the ongoing efforts to further enhance locations and enrich communities.

I realise that there is considerable expense involved but the long term benefit that would or will accrue to the council would be very extensive. The ESB has for long proclaimed its commitment to a cleaner and better environment. Now is their opportunity to prove that their commitment is genuine”.

Cllr. B. O’Connell **SECONDED** the proposal.

## **2. Provision of funding to upgrade the Lyre Road, Milltown**

### **Pursuant to notice duly given Cllr. M. Cahill PROPOSED:**

That Kerry County Council provide funding as a matter of urgency to upgrade the Lyre Road leading to Milltown Transfer Station as this heavily trafficked road is in an appalling condition.

**The following report issued:**

**This matter was discussed at the September 2013 Dingle Electoral Area Meeting. The L4035 local primary road from the junction with the N70 to the nursing home has been assessed in the context of repair and reinstatement following the upgrading of the public sewer in Milltown. It is proposed that this work will commence towards the end of this month. Improvement works have been carried out on this road over the years under the Restoration Improvement Programme. However due to the underlying ground conditions and the type of traffic using this road some isolated areas require improvement. This road is not included in the current 2013 to 2016 Restoration Improvement Programme. It may be considered in the preparation of a future programme.**

Cllr. M. Cahill said that while he acknowledged the underlying ground conditions and that works had been carried out on this road over the years, the Council's Transfer Station and a number of businesses including a nursing home are located on the road. He asked that the repair and reinstatement works would be carried out as soon as possible.

Mayor S. Fitzgerald **SECONDED** the motion.

### **3. Exemption of customers in the Mid-Kerry Water Scheme catchment from proposed Water Charges in 2015**

**Pursuant to notice duly given Cllr. B. Cronin PROPOSED:**

That this Council request Irish Water to exempt customers in the Mid-Kerry Water Scheme catchment area from proposed water charges in 2015 in light of the continuous breaks in the pipe network and unreliability of water supply to homes, tourist accommodation, businesses and land owners, (please clarify total number of breaks on this scheme since 2010).

**Ms. B Reidy said that this is a matter for consideration by the members.**

Cllr. B. Cronin said the continuous breaks and the unreliability of the water supply to homes, businesses and farmers was totally unacceptable for customers on the Mid Kerry water scheme. He was made aware that 16 breaks occurred within a distance of two thirds of a mile. A break in the Ballymalis area had been reported that morning. Some allowance should be made for consumers in this catchment area as it was highly unlikely that funding would be available for pipe replacement. He estimated that based on the cost of repairing a break being circa €2,000, approximately €826,000 was spent on repairing breaks since 2010. He paid tribute to the excellent work being done by the Council's repair crews, in particular Mr. Freddie Bartlett, Water Services Supervisor. He **PROPOSED** that an accommodation would be made for customers in this catchment area when Water Charges are introduced in 2015.

Cllr. M. Cahill **SECONDED** the proposal and said he had raised this matter at previous meetings. He said the water was turned off during a recent function at Killorglin Golf Club. There is an onus on the Department of the Environment, Community & Local Government to replace the pipe network on this scheme prior to the installation of water meters.

Cllr. J. Healy Rae asked if Kerry County Council had prepared a design for a new scheme for Mid Kerry and had an application been made for capital funding for the project.

Mr. O. Ring, Director of Environment & Water Services acknowledged that the level of service provided to customers in this area was unsatisfactory. However, it is recommended that households have adequate storage for 24 hours. He said that funding would be made available for the replacement of some piping but it was not realistic to expect the replacement of the entire pipe network on this Scheme. The Water Services Department had been concentrating on water quality on this Scheme and a very modern treatment plant was installed in the Mid Kerry area. A design review of the pressures and flows is being carried out on the Mid Kerry scheme, to ascertain if pressure management would resolve the problems.

Cllr. J. Healy Rae asked for a response to his question.

Mr. Ring referred to his reply and said it is unrealistic to expect the entire pipe network on the scheme to be replaced. An application for funding was submitted for the replacement of some of the pipe network. A Design review of the pressures and flows was being carried out.

Cllr. B. Cronin requested that his Motion would be forwarded to Irish Water for consideration.

#### **4. Fixing of water leaks**

##### **Pursuant to notice duly given Cllr. J. Healy Rae PROPOSED:**

Can Kerry County Council provide an average timeline from when a water leak is reported to when the leak has been fixed as we have several leaks recently and we don't seem to have the staff to repair them.

##### **The following report issued:**

**There is a distinction between a leak and a burst/break in the water supply. A burst/break causes an immediate disruption to customers' supplies whereas a leak causes little or no interference to the normal service to customers. Bursts/breaks are fixed immediately. Routine leak repairs come behind bursts repairs and capital projects in the priority of work for van crews.**

**The time lag between the reporting of a leak and its repair depends on the relative effect of the leak on the service, the damage the leak may be causing on the ground i.e. the creation of a pothole/road hazard or damage to private property, the spare capacity in the Scheme, the prioritisation of works/availability of a repair crew, etc.**

**Leaks are reported to the Department by Water Services staff and by the public. Details are recorded and passed on to the repair crews and reports of these completed repairs are compiled in a central database. However, our current systems are not able to readily abstract the necessary information to track the average repair time but we expect to obtain a workflow system which will do this in 2014.**

Cllr. J. Healy Rae said that he reported a leak on a footpath in Kilgarvan adjacent to a shop six times before it was repaired. He asked that one repair crew in each area would be assigned to repairing minor leaks.

Cllr. J.J. Culloty supported the Motion and said he was aware of a similar case.

## **5. Closure of Island View House in Caherciveen**

### **Pursuant to notice duly given Cllr. P. O'Donoghue PROPOSED:**

That Kerry County Council utterly condemns the decision of the Health Service Executive to close Island View House in Caherciveen in spite of an assurance given that no such closure would take place until suitable alternative arrangements had been made for the residents of Island View House and further, Kerry County Council calls on the Minister for Health and Children immediately to ensure that the facility is either re-opened or appropriate arrangements be made to accommodate the residents in the Caherciveen area in accordance with commitments previously made.

### **Ms. B. Reidy said that this is a matter for consideration by the members.**

Cllr. P. O'Donoghue said that the closure of Island View House in Caherciveen was one of the most shameful decisions made by the Health Service Executive (HSE). It opened in 1980 to allow people to live in their own community. An extensive local campaign had been embarked on in an effort to encourage the HSE to reverse the decision but to no avail. Caherciveen Social Services offered six houses to the HSE for the former residents of Island View but the offer was declined on the basis that not more than four residents could be accommodated in a house. He said very vulnerable people had been taken out of the home where they had lived for 30 years and moved to other towns. One elderly former resident who liked to spend a lot of time out walking was now in accommodation where this was not possible. The members of Kerry County Council have a duty to highlight this matter.

Cllr. P.J. Donovan supported the Motion and said he attended a number of meetings with representatives of the HSE regarding this matter and a commitment was given at each of those meetings that the closure would not go ahead but these promises were broken. He was aware that two of the residents were now accommodated in an apartment which was not suitable for their needs.

It was agreed that the Motion would be forwarded to Ms. Kathleen Lynch TD Minister of State, Department of Health with responsibility for Disability, Equality, Mental Health and Older People for consideration and to Mr. Michael Fitzgerald, Area Health Manager, HSE Kerry and that he would be invited to address the members regarding this matter at the November Meeting.

**6. Introduction of a levy on all financial institutions to create a fund to alleviate those in difficulty with their mortgages.**

**Pursuant to notice duly given Cllr. J. Finucane PROPOSED:**

That this Council calls on the Minister for Finance to levy all financial institutions to create a fund to alleviate those in difficulty with their mortgages and in fear of losing their homes.

**Ms. B. Reidy said that this is a matter for consideration by the members.**

Cllr. J. Finucane welcomed the introduction of a levy on financial institutions in Budget 2014 and said there are still a considerable number of mortgages holders in arrears. He asked that the Minister would be requested to consider using the proceeds of the levy to support people who are experiencing difficulty in paying their mortgages and were in fear of losing their homes.

Cllr. M. Gleeson SECONDED the Motion.

**7. Mandatory house inspection of the current home for tenants before being handed the keys of a new home**

**Pursuant to notice duly given Cllr. J. Sheahan PROPOSED:**

That Kerry County Council Housing Department introduce a new policy in regards to transferring tenants within their housing stock, e.g. a mandatory house inspection of the current home before being handed the keys of a new home.

**The following report issued:**

**The Housing Department already has a tenant transfer policy in place developed through our Housing SPC addressing this issue. Contained in that policy is a requirement that prior inspections by Council Officials are arranged in cases where tenants are being considered for transfers. It is an express requirement of the Tenancy Agreement that at the expiration of the tenancy the house shall be delivered back to the Council in the same condition as it was at the beginning of the tenancy, fair wear and tear**

**excepted. Where tenants have been negligent in the upkeep of their dwelling or have caused damage to the property or are otherwise in breach of their Tenancy Agreement consideration of their request will be normally be deferred until such time as they have carried out the necessary repairs and alterations to the satisfaction of the Council. Furthermore, as a matter of course, a final inspection of the property being vacated is now being carried out in all cases immediately prior to a tenant signing the tenancy agreement and being handed the keys in respect of the new tenancy.**

Cllr. J. Sheahan said that he was very happy with this reply but felt that a mandatory inspection of properties should be introduced and the same policy should apply in the case of private rented properties.

Mayor S. Fitzgerald **SECONDED** the Motion.

**8. Connection of the remaining premises in Church Street and Barrack Street, Castleisland to the public sewer**

**Pursuant to notice duly given Cllr. B. O'Connell PROPOSED:**

That Kerry County Council, as a matter of urgency, connect the remaining premises in Church Street and Barrack Street, Castleisland to the public sewer.

**The following report issued:**

**There are approximately 8 buildings in Church Street, Castleisland connected to an old drain which does not appear to be connected to the public sewer. These properties are lower than the public sewer in Church Street. The Water Services Department will investigate the options for dealing with this undesirable situation. A preliminary review indicates that the preferred solution would be to connect these properties via a sewer extension through private property.**

**We are not aware of any properties in Barrack Street which are not connected to the public sewer.**

Cllr. B. O'Connell welcomed the reply and said that he would be willing to assist the Water Services Department in liaising with property owners with a view to getting agreement to extend the sewer through their property.

Cllr. J.J. Culloty supported the Motion.



**9. Ensure that Water Services have a full complement of staff in all grades before transfer to Irish Water.**

**Pursuant to notice duly given Cllr. D. Healy Rae PROPOSED:**

That we the Members ask our County Manager to ensure that Water Services have a full complement of staff in all grades before Irish Water take over operations after 1st January 2014, especially in the areas of craftsmen and caretakers.

**The following report issued:**

**All staff currently working in Water Services, either on a full-time or part-time basis, will be included in the proposed Service Level Agreement with Irish Water which will ensure that Water Services (Operations and Capital) will continue to be provided by Kerry County Council for the next 12 years at least.**

**Currently, there are sufficient numbers of van crews (craftworkers, including plumbers and fitters, and craftworker's mates) to cover the operation and maintenance of all plants and networks in the County.**

**Kerry County Council has identified the need to enhance the complement of Caretakers, particularly in light of the commissioning of dozens of new Water Treatment Plants under the RAL Scheme. A Restructuring Plan for Caretakers was developed by Water Services Management in 2011 and has been accepted by SMT and the unions. This proposes to increase overall Caretaker numbers by 8.5 whole time equivalent posts and to appoint some existing part-time caretakers on a full time basis.**

**Recruitment for these new posts has been ongoing since 2011 and to-date, a total of 6 new Caretakers have been recruited and a further 3 existing part-time caretakers have been appointed on a full time basis. It is proposed to fill the remaining proposed Caretaker posts in 2014.**

Cllr. D. Healy Rae reiterated his request that the Council's Water Services Department would have a full compliment of staff prior to the transfer of Water Services to Irish Water on 1<sup>st</sup> January 2014. He acknowledged the role and the excellent work being done by Caretaker, Mr. Frank Sheehan and asked if temporary staff could be appointed on a full time basis as he felt that the current compliment of craft workers and caretakers was inadequate. He was also concerned that following the transfer to Irish Water staff would be redeployed from other areas and they would not be familiar with the water services pipe network.

Cllr. J. Healy Rae **SECONDED** the Motion and said the current staff compliment in this area had been reduced by a half over the past few years. It is important that water leaks are repaired as quickly as possible and he would like to see part time staff appointed on a full time basis. He found it difficult to understand that there are adequate staff resources when it took approximately nine weeks for a leak to be repaired in Kilgarvan.

Mr. O. Ring, Director of Environment and Water Services said that following the transfer to Irish Water a Service Level Agreement (SLA) will be put in place allowing Local Authorities to carry out works on behalf of Irish Water. Currently a number of staff are working on the Capital Section of Water Services and other staff were involved in water metering.

**10. Ensure employment incentives to employers do not discriminate against other job seekers and is equality proofed**

**Pursuant to notice duly given Cllr. S. Counihan PROPOSED:**

That Kerry County Council would request the Minister for Social Protection to examine the employment incentives to employers and ensure that she is satisfied these incentives don't discriminate against other job seekers and is equality proofed.

**Ms. B. Reidy said that this is a matter for consideration by the members.**

Cllr. S. Counihan said that there was an equality issue with the Jobs Plus Scheme which was introduced on 1<sup>st</sup> July 2013 as lone parents and people with a disability are not eligible to apply for the Scheme. He also expressed concern that people who are selected for participation on the Job Bridge Scheme and the National Internship Scheme who don't find an internship while they are on the Scheme must make a new application for qualification for a Community Employment Scheme. He was aware of a person who would have got a job if he qualified for JobBridge but was deemed illegible for the Scheme because of three weeks previously worked. He said that less than 10% of participants in the Scheme went on to secure employment.

Cllr. T. Ferris supported the Motion.

**11. Ryanair flights to/from Kerry Airport to Stansted**

**Pursuant to notice duly given Cllr. J. Brassil PROPOSED:**

That we the Members of Kerry County Council call on Ryanair to immediately reverse its decision to change the timing of its flight service from Stansted to Kerry as proposed from November 8th next.

**Ms. B. Reidy said that this is a matter for consideration by the members.**

Cllr. J. Brassil said thankfully the need to lobby on this matter had passed thanks in particular to the London Irish Association. He said that the timing of flights was a hugely important issue and should be included in contracts in future. He said that he was delighted with the newly introduced personal touch by Mr. Michael O'Leary CEO Ryanair.

Mayor S. Fitzgerald said there may still be an issue with the time of the last flight on Sunday evenings and he asked that Ryanair would be requested to consider an earlier departure time.

Cllr. M. Cahill acknowledged the role of all the politicians in Kerry in the abolition of airport tax in Budget 2014. This was very welcome and the county would benefit as a result.

**12. Funding to resurface parts of Killorglin Town and approach roads in 2014**

**Pursuant to notice duly given Cllr. P. Connor Scarteen PROPOSED:**

That Kerry County Council call on the NRA to provide funding to resurface parts of Killorglin Town and approach roads in 2014. Better lining and signage is also needed.

**The following report issued:**

**The National Roads Authority (NRA) implemented a new system of assessing pavement and minor improvement schemes last year. Schemes are now prioritised nationally by the NRA based on physical test results carried out on the pavement. Neither the Bansha entrance nor the Iveragh Road entrance to Killorglin, nor any of the national routes through the town showed up as an immediate priority in terms of the test results and no funding for either design or construction was received for any section of these roads when the 2013 allocations for National Roads were announced earlier this year.**

**In our current Pavement and Minor Works programme we received a design allocation for 5 locations on the National Secondary Routes and it is felt that these are the areas that might receive funding for pavement improvements next year. No location around Killorglin is included in this list.**

**The matter of the signing and lining will be referred to the NRA for its attention.**

Cllr. P. Connor Scarteen said some sections of the pavement were in very bad condition and lining was required on the road at the Church.

Mayor S. Fitzgerald **SECONDED** the Motion.

Cllr. M. Cahill said the pavement on the Iveragh Road was also in very poor condition.

**13. Changes to the State Pension that will penalise those who retire between 2014 and 2021**

**Pursuant to notice duly given Cllr. R. Beasley PROPOSED:**

That Kerry County Council writes to the Minister for Social Protection, Joan Burton asking her not to implement changes to the State Pension that will penalise those who are set to retire between 2014 and 2021.

**Ms. B. Reidy said that this is a matter for consideration by the members.**

Cllr. R. Beasley said that such changes would result in a loss of approximately €3,700 per annum for a couple and would discriminate against people who have worked all their lives. He said he deplored the Labour Party for the stance taken on this matter.

Cllr. A. McEllistrim SECONDED the Motion and said it was an absolute disgrace that people will have to apply for Jobseekers Allowance at this stage of their lives.

Cllr. S. Counihan referred to Cllr. Beasley's remark and said that while Cllr. Beasley could feel free to blame the Labour Party, he (Cllr. Counihan) supported the Motion. Approximately 14,500 people will be in this situation and if only a third of them were replaced it would create over 3,000 jobs.

Cllr. R. Beasley said he was aware of a business where a number of retired people were employed while so many young people are unemployed.

Cllr. J. Finucane said this was a matter for the business concerned.

Cllr. T. Ferris said that she too was aware of situation where a job in the Council was given to a retired person.

**15. Reimbursement of people who have serious illnesses whose medical cards have been delayed**

**Pursuant to notice duly given Cllr. J.J. Culloty PROPOSED:**

That this Council write to the Department of Health calling on the Department to reimburse people who have serious illnesses such as cancer, whose medical cards have been delayed and as a consequence of this delay have to sometimes pay for expensive lifesaving medicines.

**Ms. B. Reidy said that this is a matter for consideration by the members.**

Cllr. J.J. Culloty PROPOSED the Motion.

Mayor S. Fitzgerald SECONDED the Motion.

Cllr. T. Ferris PROPOSED that the Motion would be amended to omit “*who have serious illnesses*” and that the resolution to be forwarded to the Minister would read as follows:

*“Ask the Department of Health to reimburse people whose medical cards have been delayed”.*

Cllr. J.J. Culloty agreed to this amendment.

**16. Letters from HSE to Medical Card holders advising of Medical Card reviews to be copied to the individual's GP**

**Pursuant to notice duly given Cllr. M. O’Shea PROPOSED:**

That Kerry County Council asks the Minister for Health to direct the HSE that letters to Medical Card holders advising of Medical Card reviews be copied to the individual's GP.

**Ms. B. Reidy said that this is a matter for consideration by the members.**

Cllr. M. O’Shea said that he was contacted by a person who was not aware his Medical Card had been withdrawn until he had to go into hospital. He did not realise that he should have replied to the letter regarding the review of his Medical Card.

Mayor S. Fitzgerald SECONDED the Motion.

**17. Introduction of a Bye-Law prohibiting the placing of advertising on the perimeter fencing or elsewhere within roundabouts**

**Pursuant to notice duly given Cllr. M. Gleeson PROPOSED:**

As safely negotiating a roundabout demands maximum concentration from each road user, that this Council would introduce a Bye-Law prohibiting the placing of advertising, including political posters on the perimeter fencing or elsewhere within roundabouts.

**The following report issued:**

**The regulation of election posters is governed by Electoral (Amendment) (No. 2) Act 2009. It is not possible to introduce bye-laws which impinge on the provisions of this primary legislation. However, Local Authorities have the power to remove posters which constitute a hazard to either pedestrians or road users. Complaints about such posters should be made directly to the Roads and Transportation Section stipulating their exact**

location so that their impact can be assessed. This assessment will be made in the context of the Road Traffic Acts which contain requirements in relation to maintaining clear lines of sight and safety for road users.

Political posters are only allowed to be erected for a certain specified time period before an election. This time period is either (a) 30 days before the poll date or (b) from the date the polling day order (or equivalent) for the election has been made, whichever provides the shorter period of time. All election/referendum posters must be removed within 7 days after polling day. Any election/referendum posters in place before or after the stipulated timeframe are deemed to be in breach of the legislation and are subject to an on-the-spot litter fine of €150.

Non-political advertisements, or political ones outside of the specified election periods, fall within the normal advertisement regulation of the Planning and Development Acts, the Road Traffic Acts and the Litter Pollution Act 1997.

Cllr. M. Gleeson said that the proliferation of signage at roundabouts can be a huge distraction for drivers who are unsure of their route. The approach roads to towns are an integral part of the assessment of towns for e.g. Tidy Towns Competition. He asked that the Government be requested to give Local Authorities the power to enact Bye Laws to address this issue.

Cllr. J.J. Culloty supported the Motion.

**18. List of all the piers and harbours under the control of Kerry County Council**

**Pursuant to notice duly given Cllr. J. Healy Rae PROPOSED:**

Can Kerry County Council provide a list of all the piers and harbours they are responsible for in Kerry.

**The following report issued:**

**There are 59 piers and slips located around the County that Kerry County Council is responsible for as follows:**

**Listowel Area:**

**Tarbert (New), Tarbert (OLD), Moneycashen, Meenogahane, Dromatoor, Ballyheigue.**

**Tralee Area:**

**Fenit Slipway, Fenit Slip, Fenit Pier and Harbour.**

**Dingle Area:**

**Scraggane Pier, Fahamore, Brandon Pier, Brandon Creek, Dooneen Pier, Ballydavid, Ballinrannig, Bealbawn, Cuas na nEighe Slip, Dunquin (Dún Chaoin), Cooscroum, Cuan (Ventry), Ventry Pier, Cuas Baile Mór, Minard Slip, Bunanear Slip, Laghtacallow Slip.**

**Killorglin Area:**

**Castlemaine, Callinafersey, Dooks/Stooke, Powers Quay, Ballykissane, Garrane, Glosa, Cromane Slip.**

**Cahersiveen Area:**

**Kells Pier, Coonana Pier, Cooscrome, Cahersiveen, Renard Pier, Portmagee, Knightstown Pier and Harbour, Glen Cove, Reen (Ballinskelligs), Meelaguleen, Rineen, Bunavalla, West Rath, Rath, West Cove.**

**Kenmare Area:**

**Gleesk, Sneem Pier, Oysterbed Pier & Slip, Rossdohan, Tahilla, Blackwater Slip, Greenane (Templenoe), Kenmare Pier, Coornagillagh Pier, Kilmakilogue Pier.**

Cllr. J. Healy Rae welcomed the reply.

Cllr. M. Cahill supported the Motion and welcomed the reply. He asked if any update was available on the provision of a pier at Cromane. Piers are very important in coastal counties such as Kerry and locations in the county should be identified for the construction of piers, e.g. Rossbeigh.

Cllr. J. Healy Rae PROPOSED that a letter, on behalf of the members, would issue to the Minister for Agriculture, Food and the Marine to ask that he investigate the availability of EU funding for the construction of piers and coastal erosion work.

Cllr. M. Cahill SECONDED this proposal and asked that a request that the requirement for a 25% contribution from the Local Authority would be discontinued would also be included.

**19. Re-opening of the eleven Community Welfare Clinics recently closed**

**Pursuant to notice duly given Cllr. P. O'Donoghue PROPOSED:**

That Kerry County Council calls on the Minister for Social Protection to immediately re-open and re-establish the eleven Community Welfare Rural Clinics which have been closed down throughout the County in the recent past.

**Ms. B. Reidy said that this is a matter for consideration by the members.**

Cllr. P. O'Donoghue asked for the support of all members for this proposal as it was unacceptable that people who live in isolated rural areas were now denied access to Community Welfare Officers.

Cllr. M. Cahill **SECONDED** the Motion.

**Suspension of Standing Orders**

The Mayor informed the meeting that it was 1.30pm and it would be necessary to suspend Standing Orders.

On the PROPOSAL of Cllr. P. O'Donoghue, **SECONDED** by Cllr. J. Finucane it was agreed to suspend Standing Orders to allow the meeting to continue.

**20. Appointment of a member to The Board of Shannon Airport Company to represent the Kerry Region.**

**Pursuant to notice duly given Cllr. J. Finucane PROPOSED:**

To request the Chairperson of the Shannon Airport Company to appoint a member to represent the Kerry Region on its Board.

**Ms. B Reidy said that this is a matter for consideration by the members.**

Cllr. J. Finucane said that the land bank in Tarbert /Ballylongford is critical to the economic recovery of the Kerry Region. This and other assets in Kerry were being sold to fund the new Shannon Airport Company. There was a duty of care on the members of Kerry County Council to request representation of the Kerry Region on the Board of the new company.

Cllr. J. Brassil supported the Motion and agreed with the sentiments expressed by Cllr. Finucane. He said that a request should also issue to the Minister for Tourism and Transport who had an input into the appointment of members to the Board of the Shannon Airport Company.

**21. Separate type of dog licence for breed of dog that could be considered dangerous to the general public.**

**Pursuant to notice duly given Cllr. J. Sheahan PROPOSED:**

That Kerry County Council put in place a separate type of licence, attaching conditions, for special breeds of dog that can be considered a danger to the general public.

**The following report issued:**

**The control of dangerous or named dogs is currently regulated by the Control of Dogs Regulations 1998. This is a powerful and effective piece of Regulation which require the owners of the 10 listed dog breeds to abide by the following requirements:**



**5. (2) A person shall not permit a dog to which this article applies to be in a public place unless such dog is:-**

- (i) securely muzzled; and**
- (ii) being led by a sufficiently strong chain or leash, not exceeding two metres in length, by a person over the age of sixteen years who is capable of controlling the said dog.**

**6. (1) The owner or other person in charge of a dog shall ensure that such dog shall at all times wear a collar bearing the name and address of the owner inscribed thereon, or on a plate, badge or disc attached thereto.**

**The Dog Wardens are authorized to implement this Regulation and any offence will lead to a €100.00 On The Spot Fine.**

**We are currently preparing notices which include photographs of the listed dogs as follows:**

- (a) American Pit Bull Terrier,**
- (b) Bull Mastiff,**
- (c) Doberman Pinscher,**
- (d) English Bull Terrier,**
- (e) German Shepherd (Alsatian),**
- (f) Japanese Akita,**
- (g) Japanese Tosa,**
- (h) Rhodesian Ridgeback,**
- (i) Rottweiler,**
- (j) Staffordshire Bull Terrier, and**

**These notices will be posted at beaches, in the vicinity of schools and at other relevant locations including the proposed identified walking routes.**

**We are currently at an advanced stage in the development of a new software system for on-line licensing of dogs. This will enable us to classify all licence holders by the breed of dog for which they hold a licence for thus enabling a more targeted inspection regime.**

**This would alleviate any potential or perceived need for a special licensing system for the listing of dangerous breeds of dogs.**

Cllr. J. Sheahan welcomed the reply and said that following an incident involving a Pit Bull Terrier which was reported in the media in August 2013, he felt that owners of the breed of dog listed should be made aware of their responsibilities. He said that the provision of secure housing should also be a requirement and he asked that the above reply be put on Facebook.

## **22. Responsibility for School Warning Lights in the County.**

### **Pursuant to notice duly given Cllr. B. Cronin PROPOSED:**

To clarify the location of all School Traffic Warning lights in the County that are Kerry County Council's responsibility for maintenance and those under NRA control for maintenance and is it possible to bring all the School Warning Lights in the County under the control of this Council to end the current confusion and delays with repairs.

### **The following report issued:**

**Kerry County Council provides maintenance to 115 School Flashing lights throughout the County, which all bar 2 are located on the Local and Regional Road Network. These maintenance works are carried out by Kerry County Council's Electrical Department and are charged against the Local and Regional Roads Maintenance Grants. 14 number School Flashing Lights were installed by the NRA on the National Primary and Secondary Road Network, and the maintenance and repair of these lights was contracted by the NRA to an external company, SWS Maintenance and lately to Clonmel Enterprises. The location of these lights is as follows; Farranfore, Listowel, Tarbert Kiltallagh, Killorglin, Curraheen, Glenbeigh, Caherdaniel, Sneem , Bonane, Fossa , Blennerville , Annascaul and Liospoil.**

**Any repairs and maintenance required on these lights is managed through the NRA. Kerry County Council does not have an adequate budget to take these on board nor would it be reimbursed if it arranged works at these locations.**

Cllr. B. Cronin said that the school flashing lights at Fossa National School were out of order for some time and when he contacted Kerry County Council he was informed that these lights were not the responsibility of Kerry County Council as they were erected by the NRA. The lights were out of order approximately three to four weeks before being repaired; this was a very poor reflection on the NRA. Kerry County Council has an excellent electrical department and he asked if the repair of all school flashing lights in the county could be transferred to Kerry County Council.

Cllr. G. Wharton Slattery supported the Motion and asked if the lights on the Dan Spring road at the CBS Secondary School were the responsibility of the NRA.

Mr. G. MacNamara A/Director of Roads & Transportation said the NRA has a county wide contract and as stated in the reply the Council does not have an adequate budget to take the maintenance of the NRA lights on board nor would it be reimbursed if it arranged works at these locations. He added that the Traffic Lights on the Dan Spring road are operating.

Cllr. B. Cronin said he was concerned about the danger for children attending the schools when lights are out of order.

Mr. MacNamara said that drivers should observe the speed limit in the vicinity of schools.

The Mayor PROPOSED that a letter would issue to the NRA requesting that a request for repairs to school flashing lights which were out of order would be responded to more rapidly in the future.

Cllr. R. Beasley SECONDED the proposal and it was agreed.

### **23. Reduction in Development levies.**

#### **Pursuant to notice duly given Cllr. D. Healy Rae PROPOSED:**

To ask Kerry County Council to reduce the levies being charged to applicants following the grant of planning permission as they are totally out of line with present day values. Also to ask how Kerry County Council can continue to impose water levies and charges when Irish Water are going to be charging for the same service after 1st January 2014.

#### **The following report issued:**

**Development Levies are applied to planning decisions in accordance with a general scheme adopted from time to time. The levies are a contribution to the cost of the provision of vital services such as water, sewerage, roads and amenity services and help to supplement monies received from Central Government and other Bodies to provide these services. In the absence of such levies, the Council would not be in a position to provide the services which facilitate development. One has only to consider the impact of the introduction of the Amenity Levy on the provision of Playgrounds in this County to appreciate this. The levies applied in Kerry compare more than favourably with corresponding levies applied across the Country.**

**Our Revenue Department is responsible for collecting these levies. Where persons are having difficulty in discharging such levies, payment plans can be agreed in individual cases. It is important to note that a development is unauthorised if the levies are not paid.**

**Following the establishment of Irish Water, on 1st January 2014, Planning Authorities will no longer include conditions in planning permissions requiring contributions for water and sewerage. The legislation establishing Irish Water will provide for a new mechanism for the payment of such contributions directly to Irish Water as part of a connection fee.**

Cllr. D. Healy Rae PROPOSED that the scheme for development levies be reviewed with a view to reducing the levies by approximately one third. He said that he was aware of a grant of planning permission for an extension to a house which included a levy for water and sewerage even though the development did not increase the usage of these services.

Mr. M. McMahon, Director of Planning, referred to the final paragraph of the reply and added that following the establishment of Irish Water, legislation is likely to include a clause which will make it illegal to commence a development without notifying Irish Water. He said that he was aware of the development referred to by Cllr. Healy Rae and pointed out that the development levy in this case was not substantial in view of the size of the extension to which the Local Authority is expected to provide services.

Cllr. M. Cahill said that he recently submitted a similar Motion.

Cllr. J. Brassil said that this was a very important issue. Following the establishment of Irish Water, local authorities will have no control over charges imposed by Irish Water. He referred to the ESB and Bord Gais whose charges are regulated by the Commissioner for Energy Regulation (CER) and commented that an application for an increase is always granted. It is important that the influence of local authorities over charges should be copper fastened into legislation.

Cllr. T. Ferris said she was concerned that it may be an offence for a citizen not to notify a private body (Irish Water) regarding the commencement of a development. She referred to Cllr. Brassil's comments and said that a letter should issue to the Department of the Environment, Community & Local Government to request that local authority influence over levies would remain.

Cllr. J. Finucane said that Irish Water would be a semi State Company.

Cllr. T. Ferris said everyone knows it will be a private company in time.

Mr. M. McMahon said that there was a considerable amount of discussion going on at the moment regarding procedures following the establishment of Irish Water. He reminded members that it was already an offence to commence a development without notifying the Local Authority.

Cllr. D. Healy Rae said members were beginning to feel totally helpless as the provision of so many services was being removed from them. He asked that a letter would issue to the Department of the Environment, Community & Local Government and Irish Water to request that development levies for water and sewerage be reduced by one third and that the levy for roads be reviewed and also reduced by one third.

**24. Installation of defibrillators in disused phone boxes.**

**Pursuant to notice duly given Cllr. B. O'Connell PROPOSED:**

That Kerry County Council and all other Town and City Councils and Eircom work together in order to begin to install defibrillators in disused phone boxes around the country. This would make them far easier to find and could potentially save lives.

**The following report issued:**

**Currently there is a network of Community Associations and Sporting Bodies who have defibrillators available and have trained staff in place for this purpose.**

**Although the proposal outlined in this Notice of Motion has merit, the issue of having trained staff, liability, vandalism and the ongoing programme by Eircom to remove these boxes makes the proposal unworkable.**

Cllr. B. O'Connell said that it was important that people had access to defibrillators and disused phone boxes could be used for this purpose. A similar project has been put in place in Northern Ireland and Britain. Eircom should be requested to consider this matter.

Cllr. G. Wharton Slattery said Tralee Chamber Alliance was working with the Irish Red Cross on the installation of outdoor defibrillators in Tralee.

Cllr. J. Finucane SECONDED the Motion.

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**25. Inspection of septic tanks.**

**Pursuant to notice duly given Cllr. M. Cahill PROPOSED:**

That Kerry County Council give a detailed report with regard to septic tank inspections. When will the inspections commence, how many septic tanks have been registered to date, how many have not been registered to date, how much has been collected in registration charges and how are these monies being spent. What is the position in respect of householders whose septic tanks are not working properly and who will have to carry out significant improvement/replacement works and who do not have the resources to pay for this work themselves.

**The following report issued:**

**A comprehensive briefing, including a questions and answer opportunity, was given at the last round of the Electoral Area meetings.**

The Water Services (Amendment) Act 2012 provides for the introduction of a registration and inspection system for domestic wastewater treatment systems, including septic tanks and similar systems. It was introduced to address the European Court of Justice ruling against Ireland in October 2009, and even more importantly, to protect ground and surface water quality (particularly drinking water sources) from the risks posed by malfunctioning systems. All owners of domestic wastewater treatment systems are required to register their systems with the water services authority in whose functional area the systems are located. However, owners of properties connected to larger on-site systems which discharge in excess of 5 cubic metres per day do not need to register. Such systems, which serve sports clubs, pubs, hotels, guesthouses and other businesses require a licence from the relevant local authority under Section 4 of the Water Pollution Act 1997.

The registration fee payable is €50. The fee is intended to cover the costs to the water services authorities of administering the registers and of managing the riskbased inspections to be carried out. The expected income in 2013 for Kerry is €334,873. The legislation provides that those I so on or before 1st February 2013. However, registration remains open and householders who have not yet registered should do so as soon as possible – there are no late payment fees. It is an offence under the 2012 Act for a householder not to register and the penalty, on conviction, is a fine of up to €5,000. Financial assistance is available to householders required to carry out works to their system. The level of assistance available will be dependent on the income of the household, as per the table below:

Household Income	% Costs Available		Maximum
Up to €50,000	80%		€4,000
€50,001 - €75,000	50%		€2,500

The grant assistance will only be available to householders who have registered their system by February 1st 2013, who have been inspected under the National Inspection Plan process and who receive an advisory notice to carry out remedial works.

In Kerry it is estimated that there are 35,000 DWWT plants. Approx. 32,000 have registered to-date and registrations continue indicating approx 92% compliance. There is a two-pronged approach to the campaign. Firstly, there is the ongoing Citizen Engagement Element. Secondly there is the on-site inspection process in accordance with the National Inspection Plan developed by the EPA. Identifying the properties to be inspected is a risk

**based procedure as outlined in the NIP. In Kerry we are required to carry out a minimum of 57 inspections. Inspections will be focused on non-registered properties. There is a standardised inspection process and the inspections will be carried out by Kerry County Council staff.**

**Property owners will get 10 days written notice prior to the inspection. Inspections will likely commence in early November.**

Cllr. M. Cahill said a considerable number of owners of septic tanks did not register their systems because they could not afford it due to being unemployed. If these systems are going to be the first to be inspected and they fail the inspection, the owners will not qualify for the grant aid.

**26. Retention of Court Houses in Kenmare, Caherciveen, Killorglin and Dingle.**

**Pursuant to notice duly given Cllr. P. Connor Scarteen PROPOSED:**

That Kerry County Council call upon the Courts Service and the Minister for Justice, Equality and Reform to keep operational the Court Houses in Kenmare, Caherciveen, Killorglin and Dingle.

**Ms. B. Reidy said that this is a matter for consideration by the members.**

Cllr. P. Connor Scarteen said that he was very disappointed that only three submissions were received on the proposed closures in Kerry by the Court Service before the deadline on 25th September 2013. He said Courthouses are important for the economy of these small towns as business increases on days when Court sittings are held.

Cllr. P. O'Donoghue said the reason more submissions were not received from the legal profession was because a meeting had been held between representatives of the Kerry Law Society and the Regional Manager of the Court Service regarding this matter. He agreed that the level of commercial activity increases in small towns on days of Court sittings and he said he was concerned that the next step would be that all Courthouses in the county would be closed except for Tralee and that eventually all Court sittings would be held at regional level, in Limerick and Cork

Cllr. J. Healy-Rae said this matter and the closure of Garda Stations was raised in the Dáil by Deputy M. Healy-Rae.

**27. Reed bed sewerage treatment system for Scartaglen Village.**

**Pursuant to notice duly given Cllr. J.J. Culloty PROPOSED:**

That this Council look at constructing a reed bed sewerage treatment system for the residents of Scartaglen Village. This would be an efficient solution to the ongoing problem that exists in this Village.

**The following report issued:**

**A constructed wetland system would suit the wastewater treatment requirements of Scartaglin. A piped collection and disposal system would also be required. There is currently no public sewerage facility of any description in the village and, consequently, Scartaglin does not come within Kerry County Council's statutory remit. It would require funding from the DECLG, perhaps as a Group Sewerage Scheme, to provide a new sewerage scheme.**

Cllr. J.J. Culloty said that this was a very serious issue and he asked for clarification on the pipe system and the disposal of sewage from Scartaglin village.

Cllr. B. Cronin **SECONDED** the Motion and said that it was a very valid proposal. He said Scartaglin is unique in that there is no public sewerage facility of any description in the village. There is an urgent need to address this situation and he **PROPOSED** that the Minister for the Environment, Community & Local Government be requested to consider the provision of funding for a new sewerage scheme in Scartaglin as a matter of urgency.

Cllr. J.J. Culloty agreed that this request should be forwarded to the Department.

**28. Accommodation for qualified single people who apply for social housing.**

**Pursuant to notice duly given Cllr. M. O'Shea PROPOSED:**

That Kerry County Council asks the Minister for the Environment to deal with the increasing number of qualified single people applying for social housing to be accommodated.

**Ms. B. Reidy said that this is a matter for consideration by the members.**

Cllr. M. O'Shea said that suitable accommodation was very scarce and overpriced. He asked that a letter would issue to the Minister for the Environment, Community & Local Government requesting that funding be made available to address the accommodation needs of single people.

Mayor S. Fitzgerald **SECONDED** the Motion.



**29. Concern about the continued reduction of services for people in rural areas.**

**Pursuant to notice duly given Cllrs. J. Healy Rae & D. Healy Rae PROPOSED:**

That we the Members of Kerry County Council raise concern about the continued reduction of services by this Government to people in rural areas, i.e. the recent closure of Social Welfare Offices and the latest proposed closure of District Courts and the ever-widening gulf in the provision of employment, as Dublin and Midland Counties are favoured daily at the expense of Counties like Kerry.

**Ms. B. Reidy said that this is a matter for consideration by the members.**

Cllr. D. Healy-Rae said that rural counties such as Kerry are being hit hardest by the reduction in services. He was aware of a person who had to pay for a taxi to visit the nearest Social Welfare Office. The creation of jobs is continuously being announced but none of these jobs are in rural Kerry as they are all in Dublin. He asked that the Taoiseach would be made aware that rural Kerry is being left behind.

**30. Planning permission for landowners' sons and daughters on the family holding adjacent to existing roads accessing the Ring of Kerry Road in the new County Development Plan.**

**Pursuant to notice duly given Cllrs. M. Cahill & B. Cronin PROPOSED:**

That Kerry County Council accommodate landowners' sons and daughters in obtaining planning permission on the family holding adjacent to existing roads accessing the Ring of Kerry Road in the new County Development Plan.

**The following report issued:**

**Planning staff are presently preparing a Draft County Development Plan (2015 - 2021) for consideration by the Elected Members next December. This Plan will contain objectives in relation to access onto National Roads and in this regard discussions are ongoing with the NRA in relation to agreeing "Exceptional Circumstances" which may pertain to certain sections of the National Road Network facilitating the creation of new entrances in certain circumstances.**

**This process is a requirement of the DECLG Guidelines 'Spatial Planning and National Roads' issued in January 2012 which significantly restricts the creation of new entrances, or the generation of increased traffic from existing accesses, to national roads with a speed limit greater than 60kmh except where "exceptional circumstances" have been agreed between the Roads Authority and the NRA.**

**This issue will be discussed further with the Members when the Draft County Development Plan is being reviewed.**

Cllr. M. Cahill said that he raised this issue previously and clarified that he was referring to existing entrances and not the creation of new entrances.

Cllr. B. Cronin said that this matter is discussed on a regular basis at meetings and he also pointed out that the Motion referred to existing entrances.

Mr. M. McMahon, Director of Planning, said that meetings with the National Roads Authority (NRA) are on going regarding this matter.

Cllr. P. O'Donoghue said the Draft County Development Plan should make provision to facilitate such applicants.

Cllr. J. Healy-Rae asked if the members could make a submission on the Draft County Development Plan.

Mr. McMahon said that the members would be presented with the Draft County Development Plan on 4<sup>th</sup> December 2013. It will then go on public display and observations/submissions will be invited. He said planning legislation has changed dramatically since the County Development Plan 2009-2015 was adopted as there is now a requirement to comply with national guidelines.

### **31. Garda clearance for recipients of rent supplement**

**Pursuant to notice duly given Cllrs. P. O'Donoghue & M. O'Shea PROPOSED:**

To ask Kerry County Council, does the requirement of Garda clearance for social housing applicants apply to recipients of rent supplement?

**The following report issued:**

**In accordance with our adopted Anti-Social Behaviour Strategy, the Housing Department of Kerry County Council has in place for a number of years, arrangements with an Garda Síochána to have Garda checks carried out in respect of prospective local authority tenants and households joining the Rental Accommodation Scheme and availing of other social leasing options. This is operating very successfully with the ongoing co-operation with An Garda Síochána.**

**However, local authorities have no role in the vetting of persons who apply to the Department of Social Protection for rent allowance. This is entirely a matter for that Government Department. Occasionally, in accordance with our Anti-Social Behaviour Strategy and adopted Allocations Scheme, we will suspend certain applicants for a period from our housing waiting lists and for consideration for the Rental Accommodation Scheme and other**

**social leasing options on anti-social behaviour grounds but this will not necessarily prevent them from accessing rent supplement from the DSP. This situation may change when the proposed Housing Assistance Payment is introduced when responsibility for the housing needs of persons in long-term receipt of rent supplement will be transferred from the DSP to local authorities.**

Cllr. S. Counihan asked if the Family Income Supplement would also transfer from the Department of Social Protection to Local Authorities.

Mr. J. Breen said the entire rent payment system will transfer to Local Authorities under the Housing Assistance Payment proposals. In this regard an issue to be considered is how the transfer of tenants from the Rent Supplement to HAP will occur and how the Garda vetting of these tenants will be progressed. It is a matter of concern that presently the application of the local authority Anti Social Behaviour Policy which provides for Garda vetting is not applied by the Department of Social Protection to Rent Supplement applicants. This may be a cause of concern for the successful transfer to the Housing Assistance Payment programme.

**32. Issue of full medical cards automatically, regardless of means, to all cancer patients and patients suffering from other life threatening illnesses.**

**Pursuant to notice duly given the members of the Killorglin Electoral Area Committee PROPOSED:**

That Kerry County Council request the Minister for Health to automatically issue full medical cards regardless of means to all cancer patients and patients suffering from other life threatening illnesses and that the decision to cease issuing medical cards to these patients be condemned in the strongest possible manner.

**Ms. B. Reidy said that this is a matter for consideration by the members.**

Cllr. M. Cahill said that the situation had become more difficult since he submitted this Motion for the Killorglin Electoral Area Meeting in September. He was aware of patients, whose income was only just over the limit, whose medical cards were withdrawn following a review by the HSE. Also a family whose three young children suffer from cystic fibrosis had their medical card withdrawn. He asked that the Motion be amended to include the word "discretionary" and to read as follows:

*"That Kerry County Council request the Minister for Health to automatically issue full discretionary medical cards regardless of means to all cancer patients and patients suffering from other life threatening illnesses and that the decision to cease issuing discretionary medical cards to these patients be condemned in the strongest possible manner".*

Mayor S. Fitzgerald supported the Motion and said that a letter on behalf of the members would issue to the Minister for Health regarding this matter.

**12.10.21.19 Correspondence – Conferences and Seminars**

- (a) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. B. Cronin it was agreed to approve the attendance of Mayor S. Fitzgerald at the London Kerryman's Annual Dinner held on the 18th October, 2013.
- (b) No members expressed an interest in attending Conference on the theme "The Seanad - The Result and CDBs out – SECs" to be held in Mount Errigal Hotel, Letterkenny, Donegal from 25<sup>th</sup> to 27<sup>th</sup> October 2013.
- (c) On the PROPOSAL of Cllr. J. Healy Rae, SECONDED by Cllr. J.J. Culloty it was agreed to authorise the attendance of Cllr. P. Connor Scarteen at the Conference on the theme "The Role of Universities in Regional Development" to be held in Waterford Institute of Technology on the 30<sup>th</sup> October, 2013.

Cllr. P. Connor Scarteen was nominated to report back to Council on this Conference

- (d) No members expressed an interest in attending the Conference on the theme "The Local Government Budget 2014" to be held in Bundoran, Donegal on the 1<sup>st</sup> and 2<sup>nd</sup> November 2013.
- (e) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. P. O'Donoghue it was agreed to authorise the attendance of Cllrs. Cahill, J. Healy-Rae, D. Healy-Rae & M. O'Shea at the Conference on the theme "Electoral-Local Government and Planning and Development Act 2013" to be held in Westport, Mayo on the 1<sup>st</sup> and 2<sup>nd</sup> November 2013.

Cllr. M. Cahill was nominated to report back to Council on this Conference

- (f) On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. J. Healy-Rae it was agreed to authorise the attendance of Cllr. J. Finucane at the Conference on the theme "Working Together to Increase Geothermal Energy Resource Utilisation in Ireland" to be held in Kilkenny on the 13<sup>th</sup> November 2013.

Cllr. J. Finucane was nominated to report back to Council on this Conference.

- (g) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. O'Shea it was agreed to authorise the attendance of Cllrs. Buckley, Connor-Scarteen, Cronin, J. Healy-Rae, D. Healy-Rae & O'Shea at Seminar on the theme "The Effects of Budget 2014 on the Irish Economy" to be held in Clonmel, Tipperary from 15<sup>th</sup> to 17<sup>th</sup> November, 2013.

Cllr. P. Connor Scarteen was nominated to report back to Council on this Seminar.

- (h) On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. T. Buckley it was agreed to authorise the attendance of Cllr. J.J. Culloty at the Conference on the theme "Rebuilding our Rural Communities - a Platform for Recovery, Vision, Inclusion, Solidarity, Resilience" to be held in Tralee, Kerry on the 25<sup>th</sup> November, 2013.

Cllr. J.J. Culloty was nominated to report back to Council on this Conference.

#### **12.10.21.20 Correspondence General**

It was agreed to note the following items of correspondence which were circulated:

1.	Letter dated 27 <sup>th</sup> August 2013 from Office of the Director General of the Health Service in relation to emergency medical cards for terminally ill patients.
2.	Email dated 5 <sup>th</sup> September 2013 from The Office of the Minister for Finance in relation to mortgage arrears.
3.	Letter dated 9 <sup>th</sup> September 2013 from Dublin City Council in support of our motion on SUSI.
4.	Letter dated 10 <sup>th</sup> September 2013 from Bus Éireann in relation to the provision of bus shelters at Rathmore and Rathbeg.
5.	Email dated 10 <sup>th</sup> September 2013 from the Minister for Communications, Energy and Natural Resources in relation to the introduction of postcodes.
6.	Letter dated 27 <sup>th</sup> September 2013 from the Office of the Minister for Transport, Tourism and Sport in relation to the compulsory wearing of high visibility clothing by cyclists and pedestrians.
7.	Email dated 3 <sup>rd</sup> October, 2013 from the Office of the Taoiseach in relation to replies to resolutions on VAT rate for hospitality sector and funding for suicide prevention.
8.	Letter dated 8 <sup>th</sup> October 2013 from the NRA in relation to investigating the camber on the Dunrine, Kilcummin Road.

9.	ACCC Annual Report 2012/2013
10.	Letter dated 19 <sup>th</sup> July 2013 from Offaly County Council in relation to a resolution adopted by that authority concerning the retention of the VAT rate of 9% for the hospitality sector.
11.	Email dated 13 <sup>th</sup> September 2013 from Ennis Town Council in relation to a resolution adopted by that authority calling on the Minister for Health to revise the Long Term Illness Scheme.
12.	Letter dated 16 <sup>th</sup> September 2013 from Leitrim County Council to the Governor of the Central Bank calling on him to protect the structures and local branches of the Credit Union Movement.
13.	Letter dated 16 <sup>th</sup> September 2013 from Leitrim County Council to the Minister for Finance calling on him to protect the structures and local branches of the Credit Union Movement.
14.	Letter dated 20 <sup>th</sup> September 2013 from Macroom Town Council in relation to a resolution adopted by that authority concerning the substantial reduction in funding for Housing Grants Schemes in 2013.
15.	Letter dated 3 <sup>rd</sup> October 2013 from Wexford County Council in relation to a resolution adopted by that authority concerning the right to water and sanitation as a fundamental core value within Irish society.
16.	Letter dated 9 <sup>th</sup> October 2013 from Donegal County Council in relation to a resolution adopted by that authority concerning the influx of camper vans in prime car-parks.
17.	Letter dated 9 <sup>th</sup> October 2013 from Donegal County Council in relation to a resolution adopted by that authority calling on the Government to reverse policy on Down's Syndrome as a low incidence Disability.

### **Votes of Sympathy**

The following Votes of Sympathy were noted from the Vote of Sympathy book:

- (a) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Jeremiah O'Sullivan.
- (b) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Pat Courtney.
- (c) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Gabriel Cotter.
- (d) Cllrs. J. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mrs Sheila Desmond.

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(e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Frances O'Brien.
- (f) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Kevin O'Brien.
- (g) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mrs. Josie Cronin.
- (h) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Bridie O'Sullivan.
- (i) Cllrs. J. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mary Morris.
- .  
(j) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Paudie Foley.
- .  
(j) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mary Crowley.
- .  
(k) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Hannah Sweeney.
- .  
(l) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late PJ Reen.
- .  
(m) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Norrie King.
- .  
(n) Cllrs. J. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Michael Coffey.
- .  
(o) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Abbie (Kelly) O'Brien.
- .  
(p) Cllrs. M. Gleeson and S. Counihan proposed that a vote of sympathy be extended to the family of the late Catherine McCarthy.

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**12.21.10.21 Any Other Business – Aon Ghnó Eile**

**Bonane Road**

Cllr. J. Healy-Rae asked if work would proceed on the Bonane road this year.

Mr. G. McNamara A/ Director of Roads & Transportation said that the next stage of this project would be the land acquisition and works would not commence until next year.

### **Heffernan's Bends**

Cllr. M. Cahill welcomed the allocation of funding for works at the location known as Heffernan's Bends on the Milltown/Castlemaine road and asked when the proposed works were likely to begin.

Mr. MacNamara said that it was hoped that the project would be advertised for tender in the next few weeks and that works would be completed within a timeframe of about three weeks.

Cllr. Cahill asked if any claims were received by Kerry County Council in respect of accidents at this location and if the National Roads Authority (NRA) was exempt from any such claims.

Mr. MacNamara said that it is likely that the Council's public liability policy would cover such claim.

### **Condition of road adjacent to Ballyhar Church**

Cllr. B. Cronin asked that the Killarney Area Engineer would be requested to address the dangerous lags on the short section of road adjacent to Ballyhar Church.

### **Road at Gortnahaneboy**

Cllr. J. Sheahan asked for an update on improvement works on the road at Gortnahaneboy, Glenflesk.

### **Notice of Motion moved at the September Meeting**

Cllr. J.J. Culloty asked that a resolution which was adopted at the September meeting of the full Council would be forwarded to all other Local Authorities in the country.

Mr. J. D. Flynn Director of Corporate Services said that this request should have been made at the time the resolution was adopted as the approval of all the members was necessary.

The meeting concluded at 2.00pm.

**Gerard O'Brien**  
**Meetings Administrator**

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**Mayor of Kerry**